



# IOWA ADMINISTRATIVE BULLETIN

*Published Biweekly*

VOLUME XXVIII  
April 26, 2006

NUMBER 22  
Pages 1565 to 1592

## CONTENTS IN THIS ISSUE

Pages 1577 to 1589 include **ARC 5050B** to **ARC 5070B**

### AGENDA

Administrative rules review committee ..... 1570

### AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Filed, Women, infants, and children/farmers'  
market and senior farmers' market nutrition  
programs, 50.3, 50.8, 50.9(3), 50.10, 50.11(2)  
**ARC 5062B** ..... 1584

### ALL AGENCIES

Schedule for rule making ..... 1568  
Publication procedures ..... 1569  
Administrative rules on CD-ROM ..... 1569  
Agency identification numbers ..... 1575

### CITATION OF ADMINISTRATIVE RULES ... 1567

### DENTAL EXAMINERS BOARD[650]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Filed, Examinations for dental or dental hygiene  
licensure applicants, 11.2(2), 11.5(2), 12.1,  
12.2(5), 12.3, 12.4 **ARC 5065B** ..... 1584  
Filed, CPR course—mandatory clinical component,  
14.1(4), 14.3(4), 14.5(1), 25.2(10)  
**ARC 5064B** ..... 1584

### EDUCATION DEPARTMENT[281]

Notice, Pupil transportation, 43.10, 43.15, 43.16,  
43.41, 43.43, 43.44 **ARC 5054B** ..... 1577  
Notice, Vocational rehabilitation services division,  
56.16(4), 56.23(2) **ARC 5055B** ..... 1577  
Filed, Alignment of rules with federal regulations,  
amendments to ch 41 **ARC 5053B** ..... 1585

### EMPOWERMENT BOARD, IOWA[349]

Filed, Community empowerment, 1.1, 1.2, 1.4 to  
1.6, 1.7(1), 1.8(2), 1.10 **ARC 5051B** ..... 1585

### ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Filed Emergency, Animal feeding operations,  
65.101(8)"b" **ARC 5070B** ..... 1583

### ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice, Candidate's filing of statement of  
organization, 4.6(2) **ARC 5058B** ..... 1578  
Notice, Filing of disclosure report, 4.7(1)  
**ARC 5057B** ..... 1579  
Notice, Use of corporate facilities for individual  
volunteer activity by stockholders, administrative  
officers and employees, rescind 4.48  
**ARC 5060B** ..... 1579  
Notice, Electronic transfer of deposits, 4.52(2)  
**ARC 5059B** ..... 1579

### HUMAN SERVICES DEPARTMENT[441]

Notice, Medicaid providers—report of changes in  
enrollment information to Iowa Medicaid  
enterprise, 79.14(11) **ARC 5063B** ..... 1580

### IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Filed, Benefits advisory committee membership  
organizations; new contribution rates for special  
service members; updating of citations to Iowa  
Code, amendments to chs 1 to 12, 14, 15, 17,  
19, 22, 26 and 30 **ARC 5066B** ..... 1586

### LOTTERY AUTHORITY, IOWA[531]

Filed, Update of address; lottery retail licenses;  
monitor vending machines, 1.3, 12.1(1)"f,"  
14.21(4) **ARC 5069B** ..... 1586

### PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Notice Terminated, Interpreters for the hearing  
impaired—retention of licensure overpayment,  
360.1 **ARC 5052B** ..... 1581  
Filed, Nursing home administrators—competency  
examination, 140.1, 144.5 **ARC 5067B** ..... 1587  
Filed, Podiatrists—competency examination,  
219.1, 224.5 **ARC 5068B** ..... 1587

### PUBLIC HEARINGS

Summarized list ..... 1573

Continued on page 1567

## PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

**PLEASE NOTE:** *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

<b>Subscriptions and Distribution</b> .....	Telephone:	(515)281-6766
	Fax:	(515)281-6625
KATHLEEN K. WEST, Administrative Code Editor	Telephone:	(515)281-3355
STEPHANIE A. HOFF, Deputy Editor		(515)281-8157
	Fax:	(515)281-5534

## SUBSCRIPTION INFORMATION

### Iowa Administrative Bulletin

The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly.

July 1, 2005, to June 30, 2006	\$320
October 1, 2005, to June 30, 2006	\$240
January 1, 2006, to June 30, 2006	\$160
April 1, 2006, to June 30, 2006	\$ 80

Single copies may be purchased for \$23.

### Iowa Administrative Code

The Iowa Administrative Code and Supplements are sold in complete sets by subscription. Supplement (replacement pages) subscriptions must be for the complete year and will expire on June 30 of each year.

Prices for the Iowa Administrative Code and its Supplements are as follows:

#### **Iowa Administrative Code** – \$1,475

(Price includes complete set of rules and index, plus a one-year subscription to the Code Supplement and the Iowa Administrative Bulletin. Additional or replacement binders may be purchased for \$20.)

#### **Iowa Administrative Code Supplement** – \$495

(Subscription expires June 30, 2006)

All checks should be made payable to the Treasurer, State of Iowa. Send all inquiries and subscription orders to:

**Attn: Nicole Navara**  
**Legislative Services Agency**  
**Miller Building**  
**Des Moines, IA 50319**  
**Telephone: (515)281-6766**

**REAL ESTATE APPRAISER  
EXAMINING BOARD[193F]**

Professional Licensing and Regulation Division[193]  
COMMERCE DEPARTMENT[181]"umbrella"

Filed, Registration as an associate residential or  
associate general real property appraiser without  
examination, 4.1, 4.2, 4.4(2) **ARC 5061B** ..... 1588

**SECRETARY OF STATE[721]**

Notice, Voter registration file (I-VOTERS)  
management, ch 28 **ARC 5056B** ..... 1581

**TRANSPORTATION DEPARTMENT[761]**

Filed, Secondary road fund distribution committee,  
ch 102 **ARC 5050B** ..... 1589

**TREASURER OF STATE**

Notice—Public funds interest rates ..... 1582

**USURY**

Notice ..... 1582

**CITATION of Administrative Rules**

The Iowa Administrative Code shall be cited as (agency identification number) IAC  
(chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79	(Chapter)
441 IAC 79.1(249A)	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication  
date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

## Schedule for Rule Making 2006

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 30 '05	Jan. 18 '06	Feb. 7 '06	Feb. 22 '06	Feb. 24 '06	Mar. 15 '06	Apr. 19 '06	July 17 '06
Jan. 13	Feb. 1	Feb. 21	Mar. 8	Mar. 10	Mar. 29	May 3	July 31
Jan. 27	Feb. 15	Mar. 7	Mar. 22	Mar. 24	Apr. 12	May 17	Aug. 14
Feb. 10	Mar. 1	Mar. 21	Apr. 5	Apr. 7	Apr. 26	May 31	Aug. 28
Feb. 24	Mar. 15	Apr. 4	Apr. 19	Apr. 21	May 10	June 14	Sept. 11
Mar. 10	Mar. 29	Apr. 18	May 3	May 5	May 24	June 28	Sept. 25
Mar. 24	Apr. 12	May 2	May 17	***May 17***	June 7	July 12	Oct. 9
Apr. 7	Apr. 26	May 16	May 31	June 2	June 21	July 26	Oct. 23
Apr. 21	May 10	May 30	June 14	June 16	July 5	Aug. 9	Nov. 6
May 5	May 24	June 13	June 28	***June 28***	July 19	Aug. 23	Nov. 20
***May 17***	June 7	June 27	July 12	July 14	Aug. 2	Sept. 6	Dec. 4
June 2	June 21	July 11	July 26	July 28	Aug. 16	Sept. 20	Dec. 18
June 16	July 5	July 25	Aug. 9	Aug. 11	Aug. 30	Oct. 4	Jan. 1 '07
***June 28***	July 19	Aug. 8	Aug. 23	***Aug. 23***	Sept. 13	Oct. 18	Jan. 15 '07
July 14	Aug. 2	Aug. 22	Sept. 6	Sept. 8	Sept. 27	Nov. 1	Jan. 29 '07
July 28	Aug. 16	Sept. 5	Sept. 20	Sept. 22	Oct. 11	Nov. 15	Feb. 12 '07
Aug. 11	Aug. 30	Sept. 19	Oct. 4	Oct. 6	Oct. 25	Nov. 29	Feb. 26 '07
***Aug. 23***	Sept. 13	Oct. 3	Oct. 18	Oct. 20	Nov. 8	Dec. 13	Mar. 12 '07
Sept. 8	Sept. 27	Oct. 17	Nov. 1	Nov. 3	Nov. 22	Dec. 27	Mar. 26 '07
Sept. 22	Oct. 11	Oct. 31	Nov. 15	***Nov. 15***	Dec. 6	Jan. 10 '07	Apr. 9 '07
Oct. 6	Oct. 25	Nov. 14	Nov. 29	Dec. 1	Dec. 20	Jan. 24 '07	Apr. 23 '07
Oct. 20	Nov. 8	Nov. 28	Dec. 13	***Dec. 13***	Jan. 3 '07	Feb. 7 '07	May 7 '07
Nov. 3	Nov. 22	Dec. 12	Dec. 27	***Dec. 27***	Jan. 17 '07	Feb. 21 '07	May 21 '07
***Nov. 15***	Dec. 6	Dec. 26	Jan. 10 '07	Jan. 12 '07	Jan 31 '07	Mar. 7 '07	June 4 '07
Dec. 1	Dec. 20	Jan. 9 '07	Jan. 24 '07	Jan. 26 '07	Feb. 14 '07	Mar. 21 '07	June 18 '07
***Dec. 13***	Jan. 3 '07	Jan. 23 '07	Feb. 7 '07	Feb. 9 '07	Feb. 28 '07	Apr. 4 '07	July 2 '07
***Dec. 27***	Jan. 17 '07	Feb. 6 '07	Feb. 21 '07	Feb. 23 '07	Mar. 14 '07	Apr. 18 '07	July 16 '07

### PRINTING SCHEDULE FOR IAB

#### ISSUE NUMBER

24

25

26

#### SUBMISSION DEADLINE

Friday, May 5, 2006

Wednesday, May 17, 2006

Friday, June 2, 2006

#### ISSUE DATE

May 24, 2006

June 7, 2006

June 21, 2006

#### PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

\*\*\*Note change of filing deadline\*\*\*

## PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies  
FROM: Kathleen K. West, Iowa Administrative Code Editor  
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses QuickSilver XML Publisher, version 2.0.0, to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Microsoft Word, Word for Windows (Word 7 or earlier), and WordPerfect.

1. To facilitate the publication of rule-making documents, we request that you send your document(s) as an attachment(s) to an E-mail message, addressed to both of the following:

[bruce.carr@legis.state.ia.us](mailto:bruce.carr@legis.state.ia.us) and  
[kathleen.west@legis.state.ia.us](mailto:kathleen.west@legis.state.ia.us)

2. Alternatively, you may send a PC-compatible diskette of the rule making. Please indicate on each diskette the following information: agency name, file name, format used for exporting, and chapter(s) amended. Diskettes may be delivered to the Administrative Code Division, Third Floor West, Ola Babcock Miller Building, or included with the documents submitted to the Governor's Administrative Rules Coordinator.

Please note that changes made prior to publication of the rule-making documents are reflected on the hard copy returned to agencies, but not on the diskettes; diskettes are returned unchanged.

Your cooperation helps us print the Bulletin more quickly and cost-effectively than was previously possible and is greatly appreciated.

---

### IOWA ADMINISTRATIVE RULES and IOWA COURT RULES on CD-ROM

#### 2005 SUMMER EDITION

Containing: **Iowa Administrative Code** (updated through July 2005)  
**Iowa Administrative Bulletins** (January 2005 through July 2005)  
**Iowa Court Rules** (updated through July 2005)

For free brochures and order forms contact:

Legislative Services Agency  
Attn: Nicole Navara  
Miller Building  
Des Moines, Iowa 50319  
Telephone: (515)281-6766 Fax: (515)281-6625  
[nicole.navara@legis.state.ia.us](mailto:nicole.navara@legis.state.ia.us)

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, May 9, 2006, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

#### AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Farmers' market nutrition programs, 50.3, 50.8(2)"f," 50.8(7), 50.8(8), 50.9(3), 50.10"3," "20," and "21,"  
 50.11(2)"a"(3), Filed **ARC 5062B** ..... 4/26/06  
 Animal exhibition requirements, 64.34(2), 64.34(5)"b," Filed Emergency After Notice **ARC 5045B** ..... 4/12/06

#### CORRECTIONS DEPARTMENT[201]

Sex offender management and treatment—hormonal intervention therapy,  
 38.4(3)"a"(2), 38.4(5)"b," Notice **ARC 5026B** ..... 4/12/06

#### DENTAL EXAMINERS BOARD[650]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Licensure examinations, 11.2(2)"e," 11.5(2)"e," 12.1, 12.2(5), 12.3, 12.4(1)"a,"  
 12.4(5), Filed **ARC 5065B** ..... 4/26/06  
 Continuing education—clinical component required for CPR course, 14.1(4), 14.3(4), 14.5(1)"i,"  
 25.2(10), Filed **ARC 5064B** ..... 4/26/06

#### EDUCATION DEPARTMENT[281]

Special education, 41.56, 41.67(1) to 41.67(5), 41.71, 41.72, 41.77, 41.113(1)"c,"  
 41.113(6) to 41.113(13), Filed **ARC 5053B** ..... 4/26/06  
 Pupil transportation, 43.10(5)"c" to "f," 43.10(6), 43.15, 43.16, 43.41, 43.43, 43.44, Notice **ARC 5054B** ..... 4/26/06  
 Vocational rehabilitation services, 56.16(4)"a," 56.23(2), Notice **ARC 5055B** ..... 4/26/06

#### EMPOWERMENT BOARD, IOWA[349]

Community empowerment, 1.1, 1.2, 1.4, 1.5(3), 1.5(4), 1.6(1), 1.6(3), 1.7(1),  
 1.8(2)"a"(7), 1.10(1), 1.10(3)"d" to "g," 1.10(4), Filed **ARC 5051B** ..... 4/26/06

#### ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Air quality—adoption of federal regulations, clarification of construction permit exemptions,  
 22.1(1)"b," 22.1(2)"x"(5), 22.4(1), 22.100, 22.101(1) to 22.101(3), 22.102, 22.105(2),  
 23.1(2), 23.1(2)"www," 23.1(4), 23.1(4)"be," Notice **ARC 5041B** ..... 4/12/06  
 Confinement feeding operations; open feedlots, ch 65 div I title, 65.1, 65.2(1), 65.2(2),  
 65.2(9), 65.2(9)"a," 65.2(9)"c"(6), 65.4, 65.5(2)"a," 65.6(12), 65.9(2), 65.10(10)"i,"  
 65.14, ch 65 div II, 65.100 to 65.114, ch 65 appendix A, Filed **ARC 5046B** ..... 4/12/06  
 Corrective amendment—vegetation cover required for areas of concentrated flow located downslope  
 and within 200 feet of stockpile, 65.101(8)"b," Filed Emergency **ARC 5070B** ..... 4/26/06  
 Commercial septic tank cleaners, ch 68, 69.17, 69.17(1), Notice **ARC 5042B** ..... 4/12/06  
 Certification of underground storage tank compliance inspectors, ch 134 title, parts A and B headings;  
 134.6 to 134.16, 135.20, Filed **ARC 5044B** ..... 4/12/06

#### ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Statement of organization—financial activity threshold exceeded for new office, 4.6(2), Notice **ARC 5058B** ..... 4/26/06  
 Filing of disclosure reports, 4.7(1), Notice **ARC 5057B** ..... 4/26/06  
 Use of corporate facilities, rescind 4.48, Notice **ARC 5060B** ..... 4/26/06  
 Submittal of fundraising letter and solicitation letter to board, 4.52(2), Notice **ARC 5059B** ..... 4/26/06

#### HUMAN SERVICES DEPARTMENT[441]

Medicaid eligibility for limited services to aliens, 75.11(4), 76.7(5), Notice **ARC 5047B** ..... 4/12/06  
 Medicaid providers' obligation to report changes  
 and to pay tax-reporting penalties, 79.14(11), Notice **ARC 5063B** ..... 4/26/06

#### IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Benefits advisory committee; contribution rates for special service members,  
 1.1, 1.2, 2.1"7," 3.2(1), 3.2(4), 3.2(5), 3.3, 4.6(2), 4.6(3), 4.6(6), 8.5(3)"e,"  
 17.9(2)"e," Filed **ARC 5066B** ..... 4/26/06

#### LOTTERY AUTHORITY, IOWA[531]

Monitor vending machines, 1.3, 12.1(1)"f," 14.21(4), Filed **ARC 5069B** ..... 4/26/06

#### NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

State preserves, 61.2, Filed Without Notice **ARC 5043B** ..... 4/12/06

**NURSING BOARD[655]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- License renewal fee, 3.1, Filed **ARC 5039B** ..... 4/12/06
- Electronic processing of records, 11.5(1) to 11.5(3), 11.5(5), Notice **ARC 5038B** ..... 4/12/06

**PHARMACY EXAMINERS BOARD[657]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- Licensure, registration, and permit fees, 2.3(1), 2.6, 2.9(4), 2.11, 3.10(1), 3.10(2),  
8.35(4), 10.3, 12.7(2)"a," 17.3(2), Notice **ARC 5030B** ..... 4/12/06
- Foreign pharmacy graduates—Internet-based test of English as a foreign language,  
2.10(1), 4.7, Filed **ARC 5031B** ..... 4/12/06
- Time period for registration as pharmacy technician, 3.3(2), Filed **ARC 5032B** ..... 4/12/06
- Duties of pharmacist in charge, 6.2, Filed **ARC 5034B** ..... 4/12/06
- Patient counseling for new prescriptions, 6.14(1), Filed **ARC 5033B** ..... 4/12/06
- Definition of "kickbacks"; fee for license changes, 8.11(5), 8.35(6), Filed **ARC 5035B** ..... 4/12/06
- Documentation of waste of controlled substances, 10.18(2), 10.18(3), 23.21(2), Filed **ARC 5037B** ..... 4/12/06
- Record of dispensing of pseudoephedrine, 10.31(7)"a," Filed **ARC 5036B** ..... 4/12/06

**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- Mortuary science examiners—overpayments, 99.1, Notice **ARC 5029B** ..... 4/12/06
- Mortuary science examiners—course in Iowa law and rules, 101.3(1)"c," 101.3(2)"d,"  
101.8(6), 101.10(2), 101.18(3)"a"(3), 101.18(3)"b"(3), 102.2(1),  
102.3(2)"f," Notice **ARC 5023B** ..... 4/12/06
- Nursing home administrator examiners—overpayments, competency examination,  
140.1, 144.5, Filed **ARC 5067B** ..... 4/26/06
- Podiatry examiners—overpayments, competency examination, 219.1, 224.5, Filed **ARC 5068B** ..... 4/26/06
- Speech pathology and audiology examiners—overpayments, 299.1, Notice **ARC 5025B** ..... 4/12/06
- Speech pathology and audiology examiners—competency examination, 304.5, Filed **ARC 5024B** ..... 4/12/06
- Athletic training examiners—overpayments, 350.1, Notice **ARC 5027B** ..... 4/12/06
- Athletic training examiners—competency examination, 353.5, Filed **ARC 5028B** ..... 4/12/06
- Interpreters for the hearing impaired examiners—overpayments,  
360.1, Notice **ARC 4973B**, Terminated **ARC 5052B** ..... 4/26/06

**REAL ESTATE APPRAISER EXAMINING BOARD[193F]**

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

- Registration as associate residential or general real property appraiser,  
4.1(1), 4.1(3), 4.2, 4.4(2), Filed **ARC 5061B** ..... 4/26/06

**REVENUE DEPARTMENT[701]**

- Property tax credit or rent reimbursement—unreasonable hardship, 73.34, Filed **ARC 5048B** ..... 4/12/06

**SECRETARY OF STATE[721]**

- Voter registration file (I-VOTERS) management, adopt ch 28, Notice **ARC 5056B** ..... 4/26/06

**TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]**

Authorized network users; rates for telemedicine and federal government users, 7.1, 7.5"17,"

- 12.5, Filed **ARC 5049B** ..... 4/12/06

**TRANSPORTATION DEPARTMENT[761]**

- Secondary road fund distribution committee, adopt ch 102, Filed **ARC 5050B** ..... 4/26/06
- Driver's license renewal, 605.25(2), Notice **ARC 5040B** ..... 4/12/06

### ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

**EDITOR'S NOTE: Terms ending April 30, 2007.**

Senator Michael Connolly  
2600 Renaissance Drive, #3  
Dubuque, Iowa 52001

Senator Thomas Courtney  
2200 Summer Street  
Burlington, Iowa 52601

Senator John P. Kibbie  
P.O. Box 190  
Emmetsburg, Iowa 50536

Senator Mary Lundby  
P.O. Box 648  
Marion, Iowa 52302-0648

Senator Paul McKinley  
21884 483rd Lane  
Chariton, Iowa 50049

Joseph A. Royce  
**Legal Counsel**  
Capitol, Room 116A  
Des Moines, Iowa 50319  
Telephone (515)281-3084  
Fax (515)281-5995

Representative Danny Carroll  
244 400th Avenue  
Grinnell, Iowa 50112

Representative George Eichhorn  
P.O. Box 140  
Stratford, Iowa 50249

Representative Marcella R. Frevert  
P.O. Box 324  
Emmetsburg, Iowa 50536

Representative David Heaton  
510 East Washington  
Mt. Pleasant, Iowa 52641

Representative Geri Huser  
213 Seventh Street NW  
Altoona, Iowa 50009

Sonya Streit  
**Administrative Rules Coordinator**  
Governor's Ex Officio Representative  
Capitol, Room 11  
Des Moines, Iowa 50319



AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
<b>CORRECTIONS DEPARTMENT[201]</b>		
Sex offender management and treatment, 38.4(3), 38.4(5) IAB 4/12/06 <b>ARC 5026B</b>	510 E. 12th Street Des Moines, Iowa	May 2, 2006 11 a.m. to 1 p.m.
<b>EDUCATION DEPARTMENT[281]</b>		
Pupil transportation, 43.10, 43.15, 43.16, 43.41, 43.43, 43.44 IAB 4/26/06 <b>ARC 5054B</b>	State Board Room Grimes State Office Bldg. Des Moines, Iowa	May 19, 2006 10 a.m.
<b>ENVIRONMENTAL PROTECTION COMMISSION[567]</b>		
Air quality, amendments to ch 22; 23.1 IAB 4/12/06 <b>ARC 5041B</b>	Conference Rooms Air Quality Bureau 7900 Hickman Rd. Urbandale, Iowa	May 12, 2006 1 p.m.
Commercial septic tank cleaners, ch 68, 69.17 IAB 4/12/06 <b>ARC 5042B</b>	Suite I Conference Rooms 401 SW Seventh St. Des Moines, Iowa	May 3, 2006 1 p.m.
	Room 224, PapaJohn Center NIACC 500 College Dr. Mason City, Iowa	May 4, 2006 10 a.m.
	Meeting Room Public Library 507 Poplar St. Atlantic, Iowa	May 9, 2006 1 p.m.
	Room 606, Suite C Arrowhead AEA 824 Flindt Dr. Storm Lake, Iowa	May 10, 2006 10 a.m.
	Delaware County Fairgrounds 200 E. Acers St. Manchester, Iowa	May 11, 2006 10 a.m.
	Public Library 120 E. Main Washington, Iowa	May 16, 2006 10 a.m.
<b>HUMAN SERVICES DEPARTMENT[441]</b>		
Report of changes, 79.14(11) IAB 4/26/06 <b>ARC 5063B</b>	Iowa Medicaid Enterprise 100 Army Post Rd. Des Moines, Iowa	May 17, 2006 2 p.m.

**PROFESSIONAL LICENSURE DIVISION[645]**

Mortuary science—overpayments, 99.1 IAB 4/12/06 <b>ARC 5029B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	May 2, 2006 9:30 to 10 a.m.
Mortuary science—licensure, continuing education, 101.3, 101.8, 101.10, 101.18, 102.2, 102.3 IAB 4/12/06 <b>ARC 5023B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	May 2, 2006 9:30 to 10 a.m.
Speech pathologists and audiologists— overpayments, 299.1 IAB 4/12/06 <b>ARC 5025B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	May 2, 2006 10:30 to 11 a.m.
Athletic trainers—overpayments, 350.1 IAB 4/12/06 <b>ARC 5027B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	May 2, 2006 9 to 9:30 a.m.

**TRANSPORTATION DEPARTMENT[761]**

Early renewal of licenses, 605.25(2) IAB 4/12/06 <b>ARC 5040B</b>	DOT Conference Room Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	May 4, 2006 10 a.m. (If requested)
-------------------------------------------------------------------------	------------------------------------------------------------------------------	------------------------------------------

**UTILITIES DIVISION[199]**

Eligibility, certification, and reporting requirements for eligible telecommunications carriers, amendments to chs 1, 22, 39 IAB 3/15/06 <b>ARC 4977B</b>	Hearing Room 350 Maple St. Des Moines, Iowa	April 26, 2006 9 a.m.
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------	--------------------------

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]  
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]  
   Agricultural Development Authority[25]  
   Soil Conservation Division[27]  
 ATTORNEY GENERAL[61]  
 AUDITOR OF STATE[81]  
 BEEF INDUSTRY COUNCIL, IOWA[101]  
 BLIND, DEPARTMENT FOR THE[111]  
 CAPITAL INVESTMENT BOARD, IOWA[123]  
 CITIZENS’ AIDE[141]  
 CIVIL RIGHTS COMMISSION[161]  
 COMMERCE DEPARTMENT[181]  
   Alcoholic Beverages Division[185]  
   Banking Division[187]  
   Credit Union Division[189]  
   Insurance Division[191]  
   Professional Licensing and Regulation Division[193]  
     Accountancy Examining Board[193A]  
     Architectural Examining Board[193B]  
     Engineering and Land Surveying Examining Board[193C]  
     Landscape Architectural Examining Board[193D]  
     Real Estate Commission[193E]  
     Real Estate Appraiser Examining Board[193F]  
   Savings and Loan Division[197]  
   Utilities Division[199]  
 CORRECTIONS DEPARTMENT[201]  
   Parole Board[205]  
 CULTURAL AFFAIRS DEPARTMENT[221]  
   Arts Division[222]  
   Historical Division[223]  
 ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]  
   City Development Board[263]  
   Grow Iowa Values Board[264]  
   Iowa Finance Authority[265]  
 EDUCATION DEPARTMENT[281]  
   Educational Examiners Board[282]  
   College Student Aid Commission[283]  
   Higher Education Loan Authority[284]  
   Iowa Advance Funding Authority[285]  
   Libraries and Information Services Division[286]  
   Public Broadcasting Division[288]  
   School Budget Review Committee[289]  
 EGG COUNCIL, IOWA[301]  
 ELDER AFFAIRS DEPARTMENT[321]  
 EMPOWERMENT BOARD, IOWA[349]  
 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]  
 EXECUTIVE COUNCIL[361]  
 FAIR BOARD[371]  
 HUMAN INVESTMENT COUNCIL[417]  
 HUMAN RIGHTS DEPARTMENT[421]  
   Community Action Agencies Division[427]  
   Criminal and Juvenile Justice Planning Division[428]  
   Deaf Services Division[429]  
   Persons With Disabilities Division[431]  
   Latino Affairs Division[433]  
   Status of African-Americans, Division on the[434]  
   Status of Women Division[435]  
 HUMAN SERVICES DEPARTMENT[441]

INSPECTIONS AND APPEALS DEPARTMENT[481]  
    Employment Appeal Board[486]  
    Foster Care Review Board[489]  
    Racing and Gaming Commission[491]  
    State Public Defender[493]  
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]  
LAW ENFORCEMENT ACADEMY[501]  
LIVESTOCK HEALTH ADVISORY COUNCIL[521]  
LOTTERY AUTHORITY, IOWA[531]  
MANAGEMENT DEPARTMENT[541]  
    Appeal Board, State[543]  
    City Finance Committee[545]  
    County Finance Committee[547]  
NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]  
NATURAL RESOURCES DEPARTMENT[561]  
    Energy and Geological Resources Division[565]  
    Environmental Protection Commission[567]  
    Natural Resource Commission[571]  
    Preserves, State Advisory Board for[575]  
PETROLEUM UNDERGROUND STORAGE TANK FUND  
    BOARD, IOWA COMPREHENSIVE[591]  
PREVENTION OF DISABILITIES POLICY COUNCIL[597]  
PUBLIC DEFENSE DEPARTMENT[601]  
    Homeland Security and Emergency Management Division[605]  
    Military Division[611]  
PUBLIC EMPLOYMENT RELATIONS BOARD[621]  
PUBLIC HEALTH DEPARTMENT[641]  
    Professional Licensure Division[645]  
    Dental Examiners Board[650]  
    Medical Examiners Board[653]  
    Nursing Board[655]  
    Pharmacy Examiners Board[657]  
PUBLIC SAFETY DEPARTMENT[661]  
RECORDS COMMISSION[671]  
REGENTS BOARD[681]  
    Archaeologist[685]  
REVENUE DEPARTMENT[701]  
SECRETARY OF STATE[721]  
SEED CAPITAL CORPORATION, IOWA[727]  
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]  
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]  
TRANSPORTATION DEPARTMENT[761]  
    Railway Finance Authority[765]  
TREASURER OF STATE[781]  
TURKEY MARKETING COUNCIL, IOWA[787]  
UNIFORM STATE LAWS COMMISSION[791]  
VETERANS AFFAIRS COMMISSION[801]  
VETERINARY MEDICINE BOARD[811]  
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]  
VOTER REGISTRATION COMMISSION[821]  
WORKFORCE DEVELOPMENT DEPARTMENT[871]  
    Labor Services Division[875]  
    Workers' Compensation Division[876]  
    Workforce Development Board and  
        Workforce Development Center Administration Division[877]

## ARC 5054B

## EDUCATION DEPARTMENT[281]

## Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 43, “Pupil Transportation,” Iowa Administrative Code.

The amendments clarify the rules concerning the use of school buses and implement suggested language from the Department of Public Health regarding tuberculosis testing of drivers. The Iowa Pupil Transportation Association was consulted and agreed with the seating requirement as set forth in Item 2. The two-way communication system described in Item 6 was suggested by Department staff following consultation with the National Congress on School Transportation.

Interested persons may make written comments or suggestions on the proposed amendments on or before May 19, 2006. Written materials should be addressed to Max Christensen, Department of Education, Grimes State Office Building, Des Moines, Iowa 50319-0146; faxed to (515) 281-7700; or E-mailed to [max.christensen@iowa.gov](mailto:max.christensen@iowa.gov).

A public hearing will be held on May 19, 2006, at 10 a.m. in the State Board Room, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact and advise the Department of Education of their specific needs by calling (515)281-4749.

These amendments are intended to implement Iowa Code chapter 285.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule **43.10(5)** by rescinding paragraph “c” and relettering paragraphs “d” to “f” as “c” to “e.”

ITEM 2. Adopt **new** subrule 43.10(6) as follows:

**43.10(6) Seating.**

- a. Each passenger shall have a comfortable seat.
- b. Student passengers shall have a minimum of 13 inches of allowable seating per person.
- c. For adult groups, no more than two persons shall occupy a 39-inch seat.
- d. Standees are prohibited in all situations, whether the bus is transporting students or adults.
- e. The maximum number of passengers shall never exceed the rated capacity of the vehicle as it is equipped.

ITEM 3. Amend rule 281—43.15(285) as follows:

**281—43.15(285) Physical fitness.** Except for insulin-dependent diabetics, an applicant for a school bus driver’s authorization must undergo a biennial physical examination by a licensed physician or surgeon, osteopathic physician or surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner. The applicant must submit annually to the applicant’s employer the signed medical examiner’s certificate (pursuant to Federal Motor Carrier Safety Administration regulations 49 CFR Sections 391.41 to 391.49), indicating, among other requirements, sufficient physical capacity to operate the bus effectively and to render assistance to the passengers in case of illness or injury, and freedom from any communicable disease, such as tuberculosis. At the discretion of the chief administrator or designee of the employer or prospective employer, the chief administrator or designee shall evaluate the applicant’s ability in operating a school bus, including all safety equipment, in providing assistance to passengers in evacuation of the school bus, and in performing other duties required of a school bus driver.

ITEM 4. Rescind and reserve rule **281—43.16(285)**.

ITEM 5. Amend rule 281—43.41(285) as follows:

**281—43.41(285) Pretrip Trip inspections.** A daily pretrip inspection of each school bus shall be performed and recorded *prior to each trip*. A written report shall be submitted promptly to the superintendent of schools, transportation supervisor, school bus mechanic, or other person charged with the responsibility for the school transportation program, if any defects or deficiencies are discovered that may affect the safety of the vehicle’s operation or result in its mechanical breakdown. *A posttrip inspection of the interior of the school bus shall be performed after each trip.*

ITEM 6. Renumber rule **281—43.43(285)** as **281—43.44(285)** and adopt **new** rule 281—43.43(285) as follows:

**281—43.43(285) Communication equipment.** Each school bus shall have a two-way communications system or cellular telephone capable of emergency communication between the driver of the bus and the school’s base of operations for school transportation.

## ARC 5055B

## EDUCATION DEPARTMENT[281]

## Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 56, “Vocational Rehabilitation Services Division,” Iowa Administrative Code.

The proposed amendments align Vocational Rehabilitation Services Division rules with the Department of Public Health, Professional Licensure Division, Board of Interpreter for the Hearing Impaired Examiners rules and regulations

## EDUCATION DEPARTMENT[281](cont'd)

regarding sign language interpreters and implement necessary budgetary restrictions on client services.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before May 16, 2006, by 4:30 p.m. Comments on the proposed amendments should be directed to Ralph Childers, Vocational Rehabilitation Services Division, 510 East 12th Street, Des Moines, Iowa 50319; telephone (515)281-4151; E-mail [ralph.childers@iowa.gov](mailto:ralph.childers@iowa.gov); or fax (515)281-4703.

These amendments are intended to implement Iowa Code chapter 259, the federal Rehabilitation Act of 1973, and the corresponding federal regulations.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule **56.16(4)**, paragraph “a,” as follows:

a. Tuition and fee-based general assistance.

(1) For community colleges, the division shall pay no less than 40 percent and no more than 60 percent of the per-credit-hour fee charged by the community college, with no limit as to the number of credit hours taken by the client.

(2) For all other colleges and universities, public and private, whether in Iowa or outside Iowa, the division shall pay no less than 40 percent and no more than 60 percent of the per-credit-hour fee charged by the college or university, limited to the amount charged by the least expensive Iowa regents institution.

(3) For other training programs that qualify for federal financial aid, the division shall pay no less than 40 percent and no more than 60 percent of the amount charged by the least expensive Iowa regents institution, limited to the full-time rate, prorated as necessary.

(4) For training programs that do not qualify for federal financial aid, the division shall pay ~~75 percent~~ *no less than 40 percent and no more than 75 percent* of the tuition and fees charged to the client.

(5) ~~For postsecondary institutions for the deaf where interpreter and other special-needs costs are a part of the regular tuition and fees, the division shall pay no less than 40 percent and no more than 60 percent of the amount charged by the least expensive Iowa regents institution, plus one-half of the estimated cost of the interpreter at the Iowa regents institutions.~~

(6) (5) For continuing education courses, the division shall pay ~~75 percent~~ *no less than 40 percent and no more than 75 percent* of the tuition and fees charged to the client.

(7) (6) For on-line courses, the level of support shall be determined on a case-by-case basis.

ITEM 2. Amend subrule **56.23(2)**, first unnumbered paragraph, as follows:

Interpreter services are those special communications services provided by persons qualified by training and experience to facilitate communication between division personnel and persons unable to communicate verbally in English. This includes deaf and hard-of-hearing persons who communicate using signs and finger spelling, as well as lip reading, writing, gestures, pictures, and other methods. Persons not

fluent in the English language who could benefit from having any part of the vocational rehabilitation process translated into their major language are included. *The division shall purchase sign language interpreter services from appropriately licensed interpreters only.*

**ARC 5058B****ETHICS AND CAMPAIGN  
DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 4, “Campaign Disclosure Procedures,” Iowa Administrative Code.

The proposed amendment clarifies the requirement concerning a candidate who has filed a statement of organization for one office and then exceeds the financial activity threshold for another office. The proposed amendment requires the candidate either to file an amended statement of organization reflecting the information for the new office sought or to organize and register a new committee.

The proposed amendment does not contain a waiver provision as the requirement to file a new or amended statement of organization is mandated by statute.

Any interested party may make written comments on the proposed amendment on or before May 16, 2006. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

This amendment is intended to implement Iowa Code section 68A.201.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend subrule 4.6(2) as follows:

**4.6(2)** New office sought. A candidate who filed a statement of organization for one office but eventually seeks another office may file an amended statement of organization to reflect the change in office sought in lieu of dissolving the old committee and organizing a new committee. *A candidate who has filed a statement of organization for one office and then exceeds the financial activity threshold as set forth in Iowa Code section 68A.102(5) for a new office shall, within ten days of exceeding the threshold, file either an amended statement of organization disclosing information for the new office sought or organize and register a new committee.*

**ARC 5057B****ETHICS AND CAMPAIGN  
DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 4, “Campaign Disclosure Procedures,” Iowa Administrative Code.

Under Iowa Code section 68A.201, a “committee” is deemed to exist at the time the committee files a statement of organization or exceeds \$750 in financial activities, whichever occurs sooner. The law also requires a committee to file a statement of organization within ten days of exceeding the \$750 threshold. Iowa Code section 68A.402 requires every “committee” to file disclosure reports on specified dates. The proposed amendment clarifies that a disclosure report must be filed if the report due date falls within the ten-day period, even if the committee has not yet filed the statement of organization.

The proposed amendment does not contain a waiver provision as no new obligation is being imposed.

Any interested party may make written comments on the proposed amendment on or before May 16, 2006. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

This amendment is intended to implement Iowa Code sections 68A.201 and 68A.402.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend subrule 4.7(1) as follows:

**4.7(1)** Disclosure reporting required. Every committee that has filed a statement of organization under Iowa Code Supplement section 68A.201 and rule 351—4.1(68A,68B) *or has exceeded the financial activity threshold set out in Iowa Code section 68A.102(5) or (18) prior to the cutoff date for reporting campaign transactions* shall file a campaign disclosure report summary page (Form DR-2) and any appropriate disclosure reporting schedules or shall file a voluntary committee statement as provided in rule 351—4.11(68A,68B) pursuant to Iowa Code section 68A.402. ~~Either the disclosure reporting information or the voluntary committee statement shall be filed on or before the due dates required under Iowa Code Supplement section 68A.402 and rule 351—4.9(68A,68B).~~

**ARC 5060B****ETHICS AND CAMPAIGN  
DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 4, “Campaign Disclosure Procedures,” Iowa Administrative Code.

Iowa Code section 68A.503 prohibits the use of resources belonging to a financial institution, insurance company, or corporation to advocate for or against candidates except under certain circumstances. Current rule 351—4.48(68A, 68B) provides an additional exception for “occasional, isolated, or incidental” use of corporate facilities. The Board does not believe the rule is supported by the statute and does not cite the rule in administrative decisions. The proposed amendment rescinds the rule.

The proposed amendment does not contain a waiver provision as no new obligation is being imposed.

Any interested party may make written comments on the proposed amendment on or before May 16, 2006. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

This amendment is intended to implement Iowa Code section 68A.503.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Rescind and reserve rule **351—4.48(68A,68B)**.

**ARC 5059B****ETHICS AND CAMPAIGN  
DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 4, “Campaign Disclosure Procedures,” Iowa Administrative Code.

Current 351—subrule 4.52(2) requires, in part, a corporation that cosponsors a fundraising mailing with the corporation’s political committee (PAC) to submit to the Board a

## ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

copy of the fundraising letter. The corporation is also required to submit a copy of the solicitation letter each January with its PAC report. The Board has not been enforcing these requirements in the rule. The proposed amendment rescinds those portions of the rule.

The proposed amendment does not contain a waiver provision as no new obligation is being imposed.

Any interested party may make written comments on the proposed amendment on or before May 16, 2006. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

This amendment is intended to implement Iowa Code section 68A.503.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Rescind subrule 4.52(2) and adopt the following **new** subrule in lieu thereof:

**4.52(2)** Electronic transfer of deposits. A corporation, financial institution, or insurance company may receive and deposit checks that include both dues and PAC contributions. Contributions for the PAC shall be transferred as soon as possible into the PAC checking account and all disclosure, record-keeping, and record-retention requirements of Iowa Code chapter 68A shall be followed.

**ARC 5063B****HUMAN SERVICES  
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

This amendment imposes on Medicaid providers the obligation to keep all tax-reporting data current with the Iowa Medicaid Enterprise. The amendment requires the provider to pay any federal tax-reporting penalty the Department incurs because of inaccurate data about the provider and permits termination of a provider's Medicaid enrollment if the data is not kept current.

Federal tax-reporting statutes require the Department to issue Form 1099-MISC annually to Medicaid providers. When the provider identification on this form is not accurate, the U.S. Internal Revenue Service imposes a \$50 fine on the Department. The Department has incurred substantial tax-reporting penalties in the past few years because of inaccurate provider data. The Department expended a great deal of effort in tax year 2005 to resolve this problem but was unable to resolve many of the reporting errors for small Medicaid providers. Current rules do not allow the Department to

impose any sanction on the provider, even when the provider's failure to keep the Department's information current results in a fine.

This amendment does not provide for waivers in specified situations because the Department does not believe a waiver of this requirement would be appropriate. Providers have the right to appeal any fine or termination of enrollment that the Department imposes.

Any interested person may make written comments on the proposed amendment on or before May 17, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

The Department will hold a public hearing to receive comments on this amendment at 2 p.m. on Wednesday, May 17, 2006, at the Iowa Medicaid Enterprise Building, located at 100 Army Post Road in Des Moines. Comments may be offered at the hearing either orally or in writing. Anyone who intends to attend the hearing and has special requirements, such as hearing or vision impairments, should contact the Office of Policy Analysis at (515)281-8440 and advise of special needs.

This amendment is intended to implement Iowa Code section 249A.4.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend rule 441—79.14(249A) by adopting **new** subrule 79.14(11) as follows:

**79.14(11)** Report of changes. The provider shall inform the Iowa Medicaid enterprise of all pertinent changes to enrollment information within 30 days of the change. Pertinent changes include, but are not limited to, changes to the business entity name, individual provider name, tax identification number, mailing address, and telephone number.

a. When a provider fails to provide current information within the 30-day period, the department may terminate the provider's Medicaid enrollment upon 30 days' notice. The termination may be appealed under 441—Chapter 7.

b. When the department incurs an informational tax-reporting fine because a provider submitted inaccurate information or failed to submit changes to the Iowa Medicaid enterprise in a timely manner, the fine shall be the responsibility of the individual provider to the extent that the fine relates to or arises out of the provider's failure to keep all provider information current.

(1) The provider shall remit the amount of the fine to the department within 30 days of notification by the department that the fine has been imposed.

(2) Payment of the fine may be appealed under 441—Chapter 7.



## ARC 5052B

### PROFESSIONAL LICENSURE DIVISION[645]

#### Notice of Termination

Pursuant to the authority of Iowa Code section 147.76, the Board of Interpreter for the Hearing Impaired Examiners terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on March 15, 2006, as **ARC 4973B**, amending Chapter 360, "Administrative and Regulatory Authority for the Board of Interpreter for the Hearing Impaired Examiners," Iowa Administrative Code.

The Notice proposed to amend Chapter 360 by adding a new definition to the rules to retain licensure overpayments of less than \$10 in order to reduce program administrative costs. However, the definition already exists in Chapter 360.

The Division hereby terminates the rule making commenced in **ARC 4973B**.

## ARC 5056B

### SECRETARY OF STATE[721]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 47.7 and chapter 48A, the Secretary of State hereby gives Notice of Intended Action to adopt new Chapter 28, "Voter Registration File (I-VOTERS) Management," Iowa Administrative Code.

The rules are designed to implement the provisions of Iowa Code section 47.7(2) for the establishment of a single, uniform, official, centralized, interactive computerized statewide voter registration file. The rules prescribe the procedures for access to the file, security requirements and access protocols for adding, changing or deleting file information. The rules also prescribe the process for obtaining voter registration data and lists pursuant to Iowa Code chapter 48A.

Any interested person may make written comments on proposed Chapter 28 on or before May 16, 2006. Comments should be directed to Charles Krogmeier, First Deputy Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-4682 or E-mailed to [ckrogmeier@sos.state.ia.us](mailto:ckrogmeier@sos.state.ia.us). Persons who wish to comment orally should contact Charles Krogmeier at (515)281-7563.

These rules are intended to implement Iowa Code section 47.7(2) and chapter 48A.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following **new** chapter is proposed.

## CHAPTER 28

### VOTER REGISTRATION FILE (I-VOTERS) MANAGEMENT

**721—28.1(47,48A) State registrar's responsibility.** The state registrar of voters is responsible for the implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration file of every legally registered voter in the state. This file is known as I-VOTERS. These rules regulate access to the file by county registrars and others and set forth protocols for adding, changing or deleting file information.

#### **721—28.2(48A) Access and fees.**

**28.2(1)** The state registrar and county registrars shall grant access to the I-VOTERS database consistent with the Iowa Code and the security plan for the system. Authorized users of the system shall be issued secure password-protected access that is monitored by the state registrar. Access may be denied or revoked by the state registrar for violation of the security policy.

**28.2(2)** Fees shall be assessed by the state registrar and county registrars for voter registration information provided to the public or to authorized requesters consistent with Iowa Code chapter 48A and the rules of the voter registration commission. The state registrar shall establish appropriate forms for voter registration information requests. Fees collected by the state registrar shall be deposited in the state general fund. Fees collected by county registrars shall be deposited in the appropriate county fund.

**28.2(3)** Statewide or congressional district voter registration information from I-VOTERS may be obtained only from the state registrar. Voter registration information from I-VOTERS other than statewide or congressional district information may be obtained from the state registrar or a county registrar. A county registrar may provide from I-VOTERS voter registration information for a district or other jurisdiction that is located in whole or in part within the registrar's county.

#### **721—28.3(48A) Duplicate and multiple voter registration record deletion process.**

**28.3(1)** The state registrar shall periodically search I-VOTERS for likely duplicate or multiple voter registration records. A list of likely matches of records based upon predetermined search criteria shall be timely sent to each county registrar.

**28.3(2)** Within 15 days of the receipt of the list produced by the state registrar in accordance with 28.3(1), the county registrar shall review the list of likely duplicate or multiple voter registration records and determine the accuracy of the search results. If a voter is found to be registered in two or more counties, the county of most recent registration shall be considered the voter's current county and the voter record in any other county shall be merged with the record in the current county. Individual voter history and other voter data shall be transferred to the voter's record in the current county of registration.

**28.3(3)** The state registrar may periodically engage in interstate checking of voter registration records for the purpose of identifying duplicate or multiple voter registration records. A list of likely matches of records based upon predetermined search criteria shall be timely sent to each county registrar.

**28.3(4)** Within 15 days of the receipt of a list produced by the state registrar in accordance with 28.3(3), the county registrar shall review the list of likely duplicate or multiple voter

SECRETARY OF STATE[721](cont'd)

registration records and determine the accuracy of the search results. If the voter is found to be registered to vote in another state more recently than in Iowa and that registration has not been canceled, the voter's Iowa registration shall be canceled pursuant to Iowa Code section 48A.30(1)"b."

**28.3(5)** County registrars shall cooperate with each other to ensure that voter records are properly merged into the current county file.

**721—28.4(48A) Cancellations and restorations of voter registration due to felony conviction.**

**28.4(1)** Based upon information provided to the state registrar by the state or federal judicial branch and by the governor, the state registrar shall maintain a list of convicted felons and a list of convicted felons whose voting rights have been restored. Periodically, these lists shall be matched with I-VOTERS. Based upon predetermined search criteria, a list of likely matches of ineligible voters shall be produced for each county and provided to each county registrar.

**28.4(2)** Within 15 days of the receipt of the list produced by the state registrar in accordance with 28.4(1), the county registrar shall review the list of likely matches, determine the accuracy of the search results and cancel the registrations of those voters found to be ineligible to vote. Notice shall be sent to the voter at the voter's address in the voter registration file pursuant to Iowa Code section 48A.30(2). When inclusion of a voter's name on the list of likely matches is found to be inaccurate, the registrar shall mark the record as a "no match" and provide that information to the state registrar.

**28.4(3)** New applicants for registration entered into I-VOTERS by a county registrar shall be electronically matched against the list of convicted felons in the file, and applicants disqualified due to felony conviction shall not be registered as voters. The county registrar shall notify the registration applicant of the applicant's disqualification.

These rules are intended to implement Iowa Code section 47.7(2) and chapter 48A.

the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective April 11, 2006, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

**TIME DEPOSITS**

7-31 days . . . . .	Minimum 1.80%
32-89 days . . . . .	Minimum 2.70%
90-179 days . . . . .	Minimum 3.00%
180-364 days . . . . .	Minimum 3.30%
One year to 397 days . . . . .	Minimum 3.50%
More than 397 days . . . . .	Minimum 4.85%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

**NOTICE—PUBLIC FUNDS  
INTEREST RATES**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for April is 6.50%.

**INTEREST RATES FOR PUBLIC  
OBLIGATIONS AND ASSESSMENTS**

74A.2 Unpaid Warrants . . . . .	Maximum 6.0%
74A.4 Special Assessments . . . . .	Maximum 9.0%

**RECOMMENDED** Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of

**NOTICE—USURY**

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

May 1, 2005 — May 31, 2005	6.50%
June 1, 2005 — June 30, 2005	6.25%
July 1, 2005 — July 31, 2005	6.25%
August 1, 2005 — August 31, 2005	6.00%
September 1, 2005 — September 30, 2005	6.25%
October 1, 2005 — October 31, 2005	6.00%
November 1, 2005 — November 30, 2005	6.25%
December 1, 2005 — December 31, 2005	6.50%
January 1, 2006 — January 31, 2006	6.50%
February 1, 2006 — February 28, 2006	6.50%
March 1, 2006 — March 31, 2006	6.50%
April 1, 2006 — April 30, 2006	6.50%
May 1, 2006 — May 31, 2006	6.75%

**ARC 5070B****ENVIRONMENTAL PROTECTION  
COMMISSION[567]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 459.103 and 2005 Iowa Code Supplement section 459A.104, the Environmental Protection Commission hereby amends Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

Amendments separating Chapter 65 into two divisions, one for confinement operations and one for open feedlots, and specifying minimum design standards for open feedlot manure and effluent control systems were Adopted and Filed and published in the April 12, 2006, Iowa Administrative Bulletin as **ARC 5046B**. A change summarized in the preamble of **ARC 5046B** was not correctly carried out in the actual text of paragraph 65.101(8)"b." The Commission intended to require permanent vegetation cover for areas of concentrated flow located downslope and within 200 feet of the stockpile. However, the language "and within 200 feet of" was inadvertently omitted and must now be added to conform the text of the paragraph to that adopted by the Commission on March 20, 2006.

Pursuant to Iowa Code section 17A.4(2), the Commission finds that notice and public participation are contrary to the public interest because the amendment is required to correct an erroneous omission.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of this amendment should be waived and this amendment should be made effective on May 17, 2006, the same effective date as that for amendments published in **ARC 5046B**, as it confers a benefit on the public.

This amendment is intended to implement Iowa Code sections 455B.171 to 455B.191, 459.314, and 459.601 and 2005 Iowa Code Supplement chapter 459A.

This amendment will become effective May 17, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is adopted.

Amend paragraph **65.101(8)"b"** as follows:

b. Stockpiles shall not be located within 200 feet from a designated area or, in the case of a high quality water resource, within 800 feet, and areas of concentrated flow located downslope of *and within 200 feet of* the stockpile shall be planted to permanent vegetation cover, including filter strips and riparian forest buffers.

[Filed Emergency 4/10/06, effective 5/17/06]

[Published 4/26/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/26/06.

**ARC 5062B****AGRICULTURE AND LAND  
STEWARDSHIP DEPARTMENT[21]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 159.5(11), the Department of Agriculture and Land Stewardship hereby amends Chapter 50, "Women, Infants, and Children/Farmers' Market Nutrition Program and Senior Farmers' Market Nutrition Program," Iowa Administrative Code.

The amendments make changes in rules governing administration of the WIC Farmers' Market Nutrition Program and the Senior Farmers' Market Nutrition Program in compliance with federal law and clarify the provisions governing the farmers' market nutrition programs.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 15, 2006, as **ARC 4892B**. No comments were received. These amendments are identical to those published under Notice of Intended Action.

No waiver provision is included in these rules; however, the Department has a general rule which allows for waivers in appropriate cases. The waiver rule applies to these rules.

These amendments will become effective May 31, 2006.

These amendments are intended to implement Iowa Code chapter 159.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [50.3, 50.8(2)"f," 50.8(7), 50.8(8), 50.9(3), 50.10"3," "20," and "21," 50.11(2)"a"(3)] is being omitted. These amendments are identical to those published under Notice as **ARC 4892B**, IAB 2/15/06.

[Filed 4/6/06, effective 5/31/06]

[Published 4/26/06]

[For replacement pages for IAC, see IAC Supplement 4/26/06.]

**ARC 5065B****DENTAL EXAMINERS BOARD[650]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Dental Examiners hereby amends Chapter 11, "Licensure to Practice Dentistry or Dental Hygiene," and Chapter 12, "Dental and Dental Hygiene Examinations," Iowa Administrative Code.

The purpose of the amendments is to allow applicants for dental or dental hygiene licensure to complete the examination administered by the American Board of Dental Examiners, Inc. (ADEX) to qualify for dental or dental hygiene licensure by examination. Applicants for licensure by examination may also take either the Central Regional Dental Testing Service, Inc. (CRDTS) examination or the Western Regional Examining Board, Inc. (WREB) examination.

These amendments are subject to waiver or variance pursuant to Iowa Administrative Code 650—Chapter 7.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 15, 2006, as **ARC 4908B**. A public hearing on the amendments was held on March 7, 2006. One written comment in support of the amendments

was received. One change to the Noticed amendments has been made. In Item 3, subrule 12.1(3), the sentence, "Effective April 1, 1997, the written portion of Central Regional Dental Testing Service (CRDTS) was eliminated from the examination," has been stricken. Subrule 12.1(3) now reads as follows:

**"12.1(3)** Prior to April 1, 1995, the examinee must attain an average grade of not less than 70 percent on each clinical portion of the examination and 70 percent on the written portion of the examination. Between April 1, 1995, and December 31, 2000, the examinee must attain an average grade of not less than 75 percent on each clinical portion of the examination and 75 percent on the written portion of the examination. Effective January 1, 2001, the examinee must attain a comprehensive score that meets the standard for passing established by ADEX, CRDTS, or WREB."

These amendments were approved at the April 4, 2006, meeting of the Board of Dental Examiners. The Board of Dental Examiners ratified the recommendation of the Dental Hygiene Committee of the Board regarding the changes for the dental hygiene examination for licensure.

These amendments are intended to implement Iowa Code chapters 17A, 147 and 153.

These amendments will become effective on May 31, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [11.2(2)"e," 11.5(2)"e," 12.1, 12.2(5), 12.3, 12.4(1)"a," 12.4(5)] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 4908B**, IAB 2/15/06.

[Filed 4/6/06, effective 5/31/06]

[Published 4/26/06]

[For replacement pages for IAC, see IAC Supplement 4/26/06.]

**ARC 5064B****DENTAL EXAMINERS BOARD[650]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Dental Examiners hereby amends Chapter 14, "Renewal," and Chapter 25, "Continuing Education," Iowa Administrative Code.

The amendments specify that the cardiopulmonary resuscitation (CPR) course required for issuance, renewal, or reinstatement of a license, permit, or registration must include a clinical component. The purpose of the amendments is to protect patient safety by ensuring that licensees, permit holders and registrants demonstrate clinical CPR skills and do not simply take a home-study or on-line CPR course.

These amendments are subject to waiver or variance pursuant to Iowa Administrative Code 650—Chapter 7.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 15, 2006, as **ARC 4907B**. A public hearing on the amendments was held on March 7, 2006. One written comment on the amendments was received. The Iowa Dental Association requested that the Board delay the normal effective date of the amendments because a number of dentists may have already taken an on-line

## DENTAL EXAMINERS BOARD[650](cont'd)

CPR course and may have difficulty obtaining a clinical CPR course prior to license renewal.

These amendments were approved at the April 4, 2006, meeting of the Board of Dental Examiners.

These amendments are intended to implement Iowa Code chapters 17A, 147 and 153.

These amendments will become effective on July 1, 2006. The following amendments are adopted.

ITEM 1. Amend subrule 14.1(4) as follows:

**14.1(4)** In order to renew a license, evidence of current certification in a nationally recognized course in cardiopulmonary resuscitation is required. *The course must include a clinical component.*

ITEM 2. Amend subrule 14.3(4) as follows:

**14.3(4)** Failure to provide proof of current certification in cardiopulmonary resuscitation in a course that includes a clinical component.

ITEM 3. Amend subrule **14.5(1)**, paragraph “i,” as follows:

i. Evidence that the applicant possesses a current certificate in a nationally recognized course in cardiopulmonary resuscitation. *The course must include a clinical component.*

ITEM 4. Amend subrule 25.2(10) as follows:

**25.2(10)** Licensees, faculty permit holders, and registrants shall furnish evidence of valid certification for cardiopulmonary resuscitation, which shall be credited toward the continuing education requirement for renewal of the license, faculty permit or registration. Such evidence shall be filed at the time of renewal of the license, faculty permit or registration. Credit hours awarded shall not exceed three continuing education credit hours per biennium. Valid certification means certification by an organization on an annual basis or, if that certifying organization requires certification on a less frequent basis, evidence that the licensee or registrant has been properly certified for each year covered by the renewal period. *In addition, the course must include a clinical component.*

[Filed 4/6/06, effective 7/1/06]

[Published 4/26/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/26/06.

**ARC 5053B****EDUCATION DEPARTMENT[281]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5), the Department of Education adopts amendments to Chapter 41, “Special Education,” Iowa Administrative Code.

The amendments align the rules with the federal regulations. A more comprehensive review of Chapter 41 will follow after the federal regulations are finalized.

Notice of Intended Action was published in the February 1, 2006, Iowa Administrative Bulletin as **ARC 4859B**. Public comments were allowed until February 21, 2006. No written or oral comments were received. These amendments are identical to those published under Notice.

These amendments are intended to implement the reauthorized Individuals with Disabilities Education Act, Public

Law Number 108-446, which went into effect in December 2004.

These amendments shall become effective May 31, 2006. The following amendments are adopted.

ITEM 1. Rescind and reserve rule **281—41.56(256B, 34CFR300)**.

ITEM 2. Rescind subrules **41.67(1)** to **41.67(5)**.

ITEM 3. Rescind and reserve rule **281—41.71(256B, 34CFR300)**.

ITEM 4. Rescind and reserve rule **281—41.72(256B, 34CFR300)**.

ITEM 5. Rescind and reserve rule **281—41.77(256B, 34CFR300)**.

ITEM 6. Amend subrule **41.113(1)**, paragraph “c,” as follows:

c. A public agency may use the preappeal or hearing procedures to determine if the individual may be evaluated or ~~initially provided special education and related services~~ without parental consent. If a public agency requests a hearing and the administrative law judge upholds the agency, the agency may evaluate or ~~initially provide special education and related services~~ to the individual without the parent's consent.

ITEM 7. Rescind subrules **41.113(6)** and **41.113(10)** and renumber subrules **41.113(7)** to **41.113(9)** as **41.113(6)** to **41.113(8)** and subrules **41.113(11)** to **41.113(13)** as **41.113(9)** to **41.113(11)**.

[Filed 3/31/06, effective 5/31/06]

[Published 4/26/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/26/06.

**ARC 5051B****EMPOWERMENT BOARD,  
IOWA[349]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 28.4, the Iowa Empowerment Board hereby amends Chapter 1, “Community Empowerment,” Iowa Administrative Code.

The amendments to Chapter 1 incorporate specific language from 2005 Iowa Acts, chapter 148, and provide an overall update to the rules. The amendments update definitions to clarify terminology; expand the responsibility of the Office of Empowerment and the State Empowerment Technical Assistance Team; update the state empowerment indicators; integrate statewide quality standards and results indicators into the Iowa Empowerment Board's responsibility; provide Web site coordination for early childhood; and set forth a carryforward policy for school ready funds.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 1, 2006, as **ARC 4836B**. A public hearing was held on February 23, 2006, from 9:30 to 10 a.m. in Room G14 of the State Capitol. No public comments were received. These amendments are identical to those published under Notice.

EMPOWERMENT BOARD, IOWA[349](cont'd)

These amendments were adopted by the Iowa Empowerment Board on March 24, 2006.

These amendments will become effective on May 31, 2006.

These amendments are intended to implement 2005 Iowa Acts, chapter 148.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [1.1, 1.2, 1.4, 1.5(3), 1.5(4), 1.6(1), 1.6(3), 1.7(1), 1.8(2)"a"(7), 1.10(1), 1.10(3)"d" to "g," 1.10(4)] is being omitted. These amendments are identical to those published under Notice as **ARC 4836B**, IAB 2/1/06.

[Filed 3/27/06, effective 5/31/06]  
[Published 4/26/06]

[For replacement pages for IAC, see IAC Supplement 4/26/06.]

## **ARC 5066B**

### **IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]**

#### **Adopted and Filed**

Pursuant to the authority of Iowa Code sections 97B.4 and 97B.15, the Iowa Public Employees' Retirement System (IPERS) hereby amends Chapter 1, "Organization," Chapter 2, "Investment Board," Chapter 3, "Benefits Advisory Committee," Chapter 4, "Employers," Chapter 8, "Service Purchases," and Chapter 17, "Public Records and Fair Information Practices," and updates implementation sentences in Chapters 5 to 7, 9 to 12, 14, 15, 19, 22, 26 and 30, Iowa Administrative Code.

The purpose of these amendments is to supplement current rules and procedures relating to the replacement and expansion of the Benefits Advisory Committee membership organizations, to implement new contribution rates for special service members beginning July 1, 2006, as recommended by IPERS' actuary, and to replace superseded implementation language with current Iowa Code citations. These amendments were prepared after consultation with IPERS' actuary; the legal, benefits, investments and operational units; and the Benefits Advisory Committee.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 1, 2006, as **ARC 4927B**. A public hearing was held on March 21, 2006. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice.

There are no waiver provisions included in the amendments.

These amendments are intended to implement Iowa Code sections 97B.4 and 97B.15.

These amendments will become effective May 31, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 1 to 12, 14, 15, 17, 19,

22, 26 and 30] is being omitted. These amendments are identical to those published under Notice as **ARC 4927B**, IAB 3/1/06.

[Filed 4/7/06, effective 5/31/06]  
[Published 4/26/06]

[For replacement pages for IAC, see IAC Supplement 4/26/06.]

## **ARC 5069B**

### **LOTTERY AUTHORITY, IOWA[531]**

#### **Adopted and Filed**

Pursuant to the authority of Iowa Code section 99G.9(3), the Iowa Lottery Authority hereby amends Chapter 1, "General Operation of the Lottery," Chapter 12, "Licensing," and Chapter 14, "Monitor Vending Machines," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 21, 2005, as **ARC 4732B**. A public hearing on the amendments was held on January 10, 2006. Five individuals spoke at the public hearing. Comments from these individuals were transcribed and provided to the Lottery Board for consideration in full without editing. The Board acknowledged consideration of the comments. The Board adopted these amendments on March 31, 2006.

Chapter 1 is being amended to reflect the current address of Lottery headquarters. Chapter 12 is being amended to clarify who is eligible to apply for a Lottery retailer license. Chapter 14 is being amended to establish time limits for redeeming winning tickets sold through Monitor Vending Machines (MVMs).

There are no changes to the amendments as a result of the public hearing. The amendments, however, are not identical to those published under Notice of Intended Action. Specifically, the Lottery Board chose not to vote on the proposed amendment to rule 531—14.9(99G). This proposed amendment was set out as Item 3 in the Notice of Intended Action and added a numbered paragraph "7" to the rule. This proposed paragraph set out the maximum number of Monitor Vending Machines (MVMs) that may be placed at certain locations. Because the MVMs are banned before the effective date of the amendment, the Board chose not to act on the amendment. Since the Lottery Board chose not to act on this proposed amendment at this time, the proposed amendment is deleted from the adopted rule making, and the previous Item 4 has been renumbered as Item 3.

These amendments are intended to implement Iowa Code section 17A.3(1)"a" and chapter 99G.

These amendments will become effective on May 31, 2006.

The following amendments are adopted.

ITEM 1. Amend rule 531—1.3(17A) as follows:

**531—1.3(17A) Location.** Lottery headquarters is located at 2015 2323 Grand Avenue, Des Moines, Iowa 50312-4999 5307. The lottery has regional offices located throughout the state offering some of the services available at the headquarters office. Information regarding lottery headquarters and regional offices can be obtained on the lottery Web site, [www.ialottery.com](http://www.ialottery.com), on point-of-sale game-play publications, and by contacting the lottery headquarters. The lottery board may be contacted through lottery headquarters. Office hours

LOTTERY AUTHORITY, IOWA[531](cont'd)

at all offices are 8 a.m. to 4:30 p.m., Monday through Friday. Prize redemption operations close at 4 p.m.

ITEM 2. Amend subrule **12.1(1)**, paragraph “f,” as follows:

f. If ~~an individual~~ *a natural person*, is less than 18 years of age.

ITEM 3. Amend subrule 14.21(4) as follows:

**14.21(4)** MVM retailers shall arrange for the MVM premises operator or agent(s) or employees of the MVM premises operator to pay all prizes ~~of less than \$600 or less~~ during normal business hours at the MVM premises where the prize-winning ticket was vended. Prizes ~~of in excess of \$600 or more~~ shall be paid at a lottery regional office or at lottery headquarters in Des Moines. Prizes to be claimed from an MVM premises operator must be claimed prior to the MVM premises' first close of business following the vending of the winning ticket. *Prizes to be claimed from a lottery regional office or at lottery headquarters must be claimed within 90 days of the date of sale of the ticket.*

[Filed 4/7/06, effective 5/31/06]

[Published 4/26/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/26/06.

## ARC 5067B

### PROFESSIONAL LICENSURE DIVISION[645]

#### Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Examiners for Nursing Home Administrators amends Chapter 140, “Administrative and Regulatory Authority for the Board of Examiners for Nursing Home Administrators,” and Chapter 144, “Discipline for Nursing Home Administrators,” Iowa Administrative Code.

The amendments provide the Board the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening and to retain licensure overpayments.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 15, 2006, as **ARC 4867B**. A public hearing was held on March 8, 2006, from 10 to 10:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No comments were received.

The amendments were adopted by the Board of Examiners for Nursing Home Administrators on April 6, 2006.

These amendments will become effective May 31, 2006.

These amendments are intended to implement Iowa Code chapters 21, 147, 155 and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [140.1, 144.5] is being omitted. These amendments are identical to those published under Notice as **ARC 4867B**, IAB 2/15/06.

[Filed 4/7/06, effective 5/31/06]

[Published 4/26/06]

[For replacement pages for IAC, see IAC Supplement 4/26/06.]

## ARC 5068B

### PROFESSIONAL LICENSURE DIVISION[645]

#### Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Podiatry Examiners amends Chapter 219, “Administrative and Regulatory Authority for the Board of Podiatry Examiners,” and Chapter 224, “Discipline for Podiatrists,” Iowa Administrative Code.

The amendments provide the Board the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening and to retain licensure overpayments.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 1, 2006, as **ARC 4854B**. A public hearing was held on March 8, 2006, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. However, the Assistant Attorney General commented that the wording of the last sentence of subrule 224.5(3) needed to be clarified and that the Iowa Code reference in subrule 224.5(4) needed to be corrected. The Board approved these changes.

The amendments were adopted by the Board of Podiatry Examiners on April 7, 2006.

These amendments will become effective May 31, 2006.

These amendments are intended to implement Iowa Code chapters 21, 147, 149 and 272C.

The following amendments are adopted.

ITEM 1. Amend rule **645—219.1(17A)** by adding the following new definition in alphabetical order:

“Overpayment” means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

ITEM 2. Adopt new rule 645—224.5(149) as follows:

**645—224.5(149) Order for mental, physical, or clinical competency examination or alcohol or drug screening.** A licensee who is licensed by the board is, as a condition of licensure, under a duty to submit to a mental, physical, or clinical competency examination, including alcohol or drug screening, within a time specified by order of the board. Such examination may be ordered upon a showing of probable cause and shall be at the licensee's expense.

**224.5(1)** Content of order. A board order for a mental, physical, or clinical competency examination shall include the following items:

- A description of the type of examination to which the licensee must submit.
- The name and address of the examiner or of the evaluation or treatment facility that the board has identified to perform the examination on the licensee.
- The time period in which the licensee must schedule the required examination.
- The amount of time which the licensee has to complete the examination.
- A requirement that the licensee sign necessary releases for the board to communicate with the examiner or the evaluation or treatment facility.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

f. A requirement that the licensee cause a report of the examination results to be provided to the board within a specified period of time.

g. A requirement that the licensee communicate with the board regarding the status of the examination.

h. A concise statement of the facts relied on by the board to order the evaluation.

**224.5(2)** Alternatives. Following issuance of the examination order, the licensee may request additional time to schedule or complete the examination or may request the board to approve an alternative examiner or treatment facility. The board in its sole discretion shall determine whether to grant such a request.

**224.5(3)** Objection to order. A licensee who is the subject of a board order and who objects to the order may file a request for hearing. The request for hearing must be filed within 30 days of the date of the examination order, and the request for hearing shall specifically identify the factual and legal issues upon which the licensee bases the objection. The hearing shall be considered a contested case proceeding and shall be governed by the provisions of 645—Chapter 11. On judicial review of a board decision in a contested case involving an objection to an examination order, the case will be captioned in the name of Jane Doe or John Doe to maintain the licensee's confidentiality.

**224.5(4)** Closed hearing. Any hearing on an objection to the board order shall be closed pursuant to Iowa Code section 272C.6(1).

**224.5(5)** Order and reports confidential. An examination order, and any subsequent examination reports issued in the course of a board investigation, are confidential investigative information pursuant to Iowa Code section 272C.6(4).

**224.5(6)** Admissibility. In the event the licensee submits to evaluation and subsequent proceedings are held before the board, all objections shall be waived as to the admissibility of the examining physicians' or health care providers' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board.

**224.5(7)** Failure to submit. Failure of a licensee to submit to a board-ordered mental, physical, or clinical competency examination or to submit to alcohol or drug screening constitutes a violation of the rules of the board and is grounds for disciplinary action.

[Filed 4/7/06, effective 5/31/06]

[Published 4/26/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/26/06.

**ARC 5061B****REAL ESTATE APPRAISER  
EXAMINING BOARD[193F]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 543D.5, the Real Estate Appraiser Examining Board hereby amends Chapter 4, "Associate Real Property Appraiser," Iowa Administrative Code.

The amendments include a change that allows an individual to register as an associate residential or associate general real property appraiser without having to pass the appropriate examination.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 1, 2006, as **ARC 4929B**. Two written comments were received. The amendments are identical to those published under Notice.

These amendments were adopted by the Board on April 5, 2006.

These amendments are intended to implement Iowa Code chapters 543D and 272C.

These amendments will become effective May 31, 2006.

The following amendments are adopted.

ITEM 1. Amend subrules 4.1(1) and 4.1(3) as follows:

**4.1(1)** The classification of associate appraiser shall be used to refer ~~only~~ to individuals who have completed the necessary educational requirements ~~and successfully passed the appropriate examination but who do not meet the experience requirements for certification. but are not yet fully qualified for certification.~~

**4.1(3)** An applicant for the associate appraiser classification, ~~after completing the educational requirements, shall may~~ apply to the board ~~to take the appropriate examination by completing an examination application provided by the board, for associate status by~~ providing proof of completion of the educational requirements and paying the appropriate examination application fee. ~~The fee to obtain an associate license is separate from the examination application fee.~~

ITEM 2. Amend rule 193F—4.2(543D) as follows:

**193F—4.2(543D) Upgrading an associate appraiser registration.** An associate appraiser must complete 2500 hours of experience in not less than 24 months to upgrade to a certified residential real property appraiser. An associate appraiser must complete 3000 hours of experience, of which at least 1500 hours must be nonresidential experience under a certified general appraiser, in not less than 30 months, to upgrade to a certified general real property appraiser. Application requirements include the following:

1. *Successful completion of the appropriate examination within 24 months of the date the individual is certified;*
2. *Successful completion of the work product review process as described in 193F—3.5(543D);*
3. *Submission of a completed application on a form provided by the board;*
4. *Submission of a copy of the appraisal log(s);*
5. *Submission of a copy of the original associate appraiser license and certificate;*
6. *Payment of the appropriate fee.*



## REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

ITEM 3. Amend subrule 4.4(2) as follows:

**4.4(2)** The board may deny an application based on disciplinary action taken against an associate appraiser: *or upon any ground for disciplinary action provided in 193F—8.1(272C,543D).*

[Filed 4/6/06, effective 5/31/06]

[Published 4/26/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/26/06.

## ARC 5050B

### TRANSPORTATION DEPARTMENT[761]

#### Adopted and Filed

Pursuant to the authority of Iowa Code Supplement section 312.3C, the Secondary Road Fund Distribution Committee, on March 23, 2006, adopted Chapter 102, "Secondary Road Fund Distribution Committee," Iowa Administrative Code.

Notice of Intended Action for these rules was published in the February 15, 2006, Iowa Administrative Bulletin as **ARC 4862B**.

2005 Iowa Acts, chapter 142, section 4, amended Iowa Code section 312.3C to require the Secondary Road Fund Distribution Committee to:

- Determine the methodology to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund. The methodology shall be phased in over a five-year period, beginning July 1, 2006.

- Adopt rules to govern the determination and modification of the methodology to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund.

The rules adopt the initial formulas to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund, provide for a five-year phase-in period, define the process by which the formulas can be changed, and describe the organization and operation of the Secondary Road Fund Distribution Committee. The initial formulas are those recommended in the report entitled "Final Report, Secondary Road Fund Distribution Advisory Committee, 2002 to 2005." This report was submitted to the General Assembly.

These rules do not provide for waivers. Waivers of the distribution formulas would be inappropriate. The rules provide an orderly procedure for revising the distribution formulas.

These rules are identical to those published under Notice of Intended Action.

These rules are intended to implement Iowa Code Supplement section 312.3C.

These rules will become effective May 31, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 102] is being omitted. These rules are identical to those published under Notice as **ARC 4862B**, IAB 2/15/06.

[Filed 3/27/06, effective 5/31/06]

[Published 4/26/06]

[For replacement pages for IAC, see IAC Supplement 4/26/06.]





**IOWA ADMINISTRATIVE BULLETIN**  
**Customer Service Center**  
**Department of Administrative Services**  
**Hoover State Office Building, Level A**  
**Des Moines, Iowa 50319**

---

PRSRT STD  
U.S. Postage  
**PAID**  
Des Moines, Iowa  
Permit No. 1195